

Remarks

Applicant requests consideration on the merits of the above-referenced patent application.

I. Amendments to the specification

In accordance with 37 C.F.R. §1.78 and MPEP §202.01, Applicant has amended the specification to add on page 1 a paragraph identifying the applications to which this application claims priority. Applicant requests that the priority claim be entered. Applicant submits that this amendment does not introduce new matter.

II. Amendments to the claims

Claims 1-9 are pending in this application. Claims 3-9 have been amended. All claims, including the amendments, are shown in the previous section. Applicant submits that the amendments do not introduce new matter. Specifically:

Claims 3 and 4 have been amended to depend from claim 1 rather than from claim 1 or 2.

Claims 5 and 6 have been amended to depend from claim 1 rather than from claims 1-4.

Claims 7-9 have been re-written as method of treatment claims. This amendment is supported by, for example, claims 6-13 as originally filed in the parent PCT application.

Claim 7 has been amended to be an independent claim. Claim 7 also has been amended to incorporate the structural formula and R²⁷, R²⁸, R²⁹, R³⁰, R³¹, and R³² definitions from claim 1 (*i.e.*, one of the claims from which claim 7 depends).

Other amendments simply rephrase the claims, or correct grammatical or obvious errors. Applicant submits that such amendments are permissible under MPEP §2163.07.

Applicant reserves the right to claim any canceled and/or unclaimed subject matter in one or more later-filed continuation and/or divisional applications.

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Applicant submits that the claims are in condition for allowance. Applicant has enclosed a check to cover the fees for this application (*i.e.*, basic national fee; examination fee; search fee; extra sheets fee; and assignment recordation fee). Applicant does not believe that any additional fees are due in connection with this filing. If, however, Applicant owes any additional fee(s) in

U.S. Patent Application No. TBA
(§371 Application Based on PCT/US2003/040181)
Preliminary Amendment A
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connection with this filing, the Commissioner is hereby authorized to charge those fee(s) to
Deposit Account No. **08-0750**.

Applicant requests that all correspondence for this application be sent to:

Christian Smolizza
Pfizer, Inc
150 East 42nd Street
150/5/49S-IP/Legal
New York, New York 10017
(212) 733-9094 (tel)
(212) 573-1939 (fax)

Applicant also requests that the Examiner call Christian Smolizza if any questions arise
that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



Lydia N. Nenow, PTO Reg. No. 52,530
Harness, Dickey & Pierce, PLC
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500 (tel)
(314) 726-7501 (fax)

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **June 17, 2005** with sufficient postage as first class mail (including Express Mail per MPEP §512), and addressed to **Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



Lydia N. Nenow, PTO Reg. No. 52,530

LNN/LVE